IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

Writ Petition No.25014 of 1997
DATED 22-2-2007

BETWEEN
Athili Krishna Murthy.

.. Petitioner

And

The Selection Committee,
APSRTC,
Srikakulam and two others.

.. Respondents

THE HONOURABLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO.25014 of 1997

ORDER:

The petitioner hitherto engaged in a private bus, questions the action of the respondents in not appointing him as a driver on the ground that he suffers from colour blindness.

Sri A.Rama Rao, learned counsel for the petitioner would submit that the medical examination conducted by the respondents is not in order and that the petitioner had subsequently undergone medical examination and the Government Doctor had certified that he is not colour blind.

It is not for this Court to sit in appeal over the findings

recorded by the competent authority with regard to medical fitness nor to make a comparative assessment of the certificates issued by the Doctor of the Government Hospital and the one issued by the Doctor of the respondent Corporation. It is also not for this Court to direct that a person who suffers from colour blindness be appointed as a driver in the respondent Corporation. Sri A.Rama Rao would refer to some of the judgments of this Court wherein even in cases where an employee is found to be medically unfit for being appointed as driver/conductor, it was directed that their case be considered for alternative employment.

Smt.B.G.Uma Devi, learned standing counsel would place before this Court a copy of the circular dated 16.7.1998 wherein a reference is made to the resolution dated 15.5.1998 resolving to impose a total ban on further absorption and appointment of displaced employees into the services of the Corporation in view of the fact that the Corporation is not in a position to absorb such displaced employees in view of its critical financial position.

Sri A.Rama Rao, learned counsel for the petitioner would submit that since the writ petition was filed prior to imposition of the ban, the ban orders referred to in circular dated 16.7.1998, which has prospective application, cannot preclude the petitioner's case from being considered for compassionate appointment.

It cannot be lost sight of that it is for the Board of the APSRTC, to decide as to whether displaced employees are required to be absorbed or not. Since this ban on recruitment has been imposed in view of its critical financial position. I see no reason to direct the respondent Corporation to consider the case of

the petitioner for absorption, more so when no right accrues in the petitioner's favour to claim such absorption in view of the law laid down by the Supreme Court in **Secretary, State of Karnataka v. Uma Devi** [1]. In any event, neither the Board resolution dated 15.5.1998 nor the circular dated 16.7.1998 imposing the ban on recruitment is under challenge and in the absence of any challenge thereto, it is not for this Court to decide as to whether there was any justification for imposing such a ban on recruitment. Leaving it open to the petitioner to avail such other remedies, as are available to him under law, the writ petition is dismissed. No costs.

RAMESH RANGANATHAN,J

Dt: 22.2.2007
msv.

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[1] (2006) 4 SCC 1